IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 251 of 1982

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

FAKIRCHAND MAHAISING DRIVER

Versus

PUSHPABEN R. BHIMANI

Appearance:

1. First Appeal No. 251 of 1982
MR SB VAKIL for Petitioner No. 1-3
NOTICE SERVED for Respondent No. 1
..... for Respondent No. 2-3

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE A.L.DAVE

Date of decision: 26/06/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

The only question which requires reconsideration and adjudication is as to whether the amount of compensation awarded by the Motor Accident Claims Tribunal (4 Main) of Ahmedabad City in Claim Petition No. 29/91 is in any way exorbitant or excessive requiring our interference in exercise of power under appellate jurisdiction.

2. We have dispassionately heard the learned Advocate for the appellants. We have also scrutinised and examined the testimony collections and documentary evidence in support of the claim made by the original petitioners and the impugned judgement and award of the Tribunal and the relevant latest proposition of law. We are of the clear opinion that the amount of compensation awarded to the claimants, in the facts and circumstances, cannot be said to be excessive or exorbitant. The deceased was an young man in his 40's. He was an earning member of the family. He was working as a Civil Engineer. Considering the income which he was getting at the time of accident and also prospective earnings of the deceased and his future chances, we are of the opinion that the amount awarded under the award of the Tribunal of Rs. 3,27,500/- with interest, cannot be said to be in any way excessive or exorbitant. The Tribunal has, upon correct interpretation and analysis of the evidence, has taken a view and reached to a correct conclusion and in our opinion, there is no warrant for any interference, with the result, the appeal deserves to be dismissed. The appeal is therefore dismissed without any order as to costs.

(J.N.Bhatt, Acting C.J.) (A.L.Dave, J.)

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